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010715Z Mar 05

C O N F I D E N T I A L VATICAN 000452

SIPDIS

DEPT FOR EUR/WE LEVIN; AF/SPG SMALL; AF/E; AF/RSA

E.O. 12958: DECL: (##)

TAGS: [KIRF](#) [PHUM](#) [PREL](#) [SU](#) [VT](#)

SUBJECT: SUDAN: VATICAN HESITANT ON AU-UN TRIBUNAL

REF: STATE 21439

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Summary  
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1. (C) Holy See Country Director for Sudan Monsignor Lucio Sembrano told us February 10 that the Holy See was optimistic regarding Darfur, but hesitant about the proposed African Union (AU) - UN Sudan Tribunal. He maintained that the International Criminal Court (ICC) would be the most effective means to bring war criminals to justice and increase stability in the region. End summary.

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Sudan Tribunal not the Answer  
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2. (SBU) Holy See Country Director for Sudan Monsignor Lucio Sembrano told PolChief February 10 that, in light of the Comprehensive Peace Agreement and other recent developments, the Holy See was optimistic regarding Darfur, but cautioned that the international community needed to step up its engagement to bring about an effective solution to the current crisis.

3. (C) Regarding the U.S proposal for an African Union (AU) - UN Tribunal for Sudan (reftel), Sembrano was hesitant. He cited what he regards as the "100 percent negative results" of the International Criminal Tribunal for Rwanda as an example of the shortcomings of "special courts." Thus, the idea that an AU-UN court would share existing infrastructure with the Rwanda Tribunal did not sooth his worries. The international community should "learn from experience" on Rwanda, Sembrano concluded.

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ICC a Better Option  
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4. (C) Sembrano acknowledged the U.S. opposition to using the ICC in this case, but said he nevertheless regards it as the better option for war criminals in Darfur. He hoped the U.S. would reconsider its position on the ICC in an instance such as this, where it could be effective, even while it maintained its broader opposition to the court. To the extent that any court would need to rely on cooperation from the Sudanese government, Sembrano foresaw challenges. "The day they start handing over Muslims for war crimes, I'll embrace Islam," the Catholic priest quipped. The government, he continued, "closes both eyes and allows [the offenders] impunity." The most important thing at this point, Sembrano concluded, is for the international community to be united in confronting the violence and bringing about justice.

5. (SBU) We passed Sembrano reftel points on the Tribunal and the proposed peacekeeping operation for Darfur, emphasizing the benefits of the USG proposal. He thanked the U.S. for its "tireless" efforts for peace in Sudan.

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2005VATICA00452 - Classification: CONFIDENTIAL